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Book Reviews

A TREATISE ON FEDERAL CRIMINAL LAW PROCEDURE. Second Edition. By William H. Atwell. T. H. Flood & Co., 214 W. Madison Street, Chicago, Ill. 1916. pp. 808. \$6.50.

Most legal text books fall into one of two classes. In one class we find the book mechanically perfect, citations accurate, complete and uniform in style, showing professional proof-reading. The text is, however, as a rule also mechanical, giving the reader nothing more than he could get for himself by going to the digests, and giving the impression of having been written by shuffling cards containing the syllabi of the cases. In the other class we have books that are written by men who know something about the subject and want to put it on paper. The results rhetorically and typographically do not show the perfection of the professional legal text writer, but there is usually something of substance worth while that cannot be gained exclusively from the digests and cases. The book under review belongs to the latter class. Its author was formerly a United States district attorney and has evidently had considerable experience in federal criminal procedure. After three chapters of introduction on the United States Constitution, the general provisions applicable to the practice, and practical suggestions, the author takes up in detail the various crimes against the United States, the number of which we do not ordinarily realize. On big questions such as the Sherman Act, the privilege against crimination, conspiracy, etc., on which whole treatises could be written, the author does not claim to be exhaustive. The principal merit of the work is that it takes up each law, generally giving the text of the new Code, pointing out the difference, if any, between the Code and the former law, and giving the cases arising under the law, often with some comment. It is the discussion of the meaning of sections of the Code, and the possible questions which may arise, and their solution, that constitute the most valuable portion of the book. It is a good place to get practical questions treated practically. The old question of whether it is a crime to give a check for less than one dollar is answered decisively. There are interesting side-lights on federal criminal procedure as it is actually practiced. The author states as his experience that "While Federal prosecuting officers are not bounden by any rule or statute to permit a defendant or his witnesses to present their side of a question which is being investigated, yet the careful prosecutor, careful of the reputation of the citizen, often avails himself of the opportunity to permit the defendant to have his day before the grand jury." If all prosecuting officers observed this humane and sensible practice it would often obviate the necessity of a trial. The appendix contains some

forms of indictment, the full text of the Federal Penal Code of Crimes, with a reference to all laws of a general nature which have penal provisions and are not contained in the Criminal Code. The work would be improved by a table of cases.

A. M. K.

SOME LEGAL PHASES OF CORPORATE FINANCING, RE-ORGANIZATION AND REGULATION. By Francis Lynde Stetson, James Byrne, Paul D. Cravath, George W. Wickersham, Gilbert H. Montague, George S. Coleman and William D. Guthrie. The Macmillan Company. New York City. 1917. pp. ix, 390. \$2.75 net.

This book contains the material of a number of lectures delivered before the Association of the Bar of the City of New York in 1916, collected in seven topics. The first, by Mr. Stetson, relates to the financing of corporate enterprises by bond issues; the next four, by Messrs. Byrne, Cravath, Wickersham and Montague, relate to foreclosure and re-organization, and the effect of the Sherman Anti-Trust Law and Clayton Act upon this problem. The last two topics, by Messrs. Coleman and Guthrie, treat of Public Service Commissions, but almost wholly from the point of view of a New York practitioner, and are of less general interest.

Sooner or later nearly every lawyer has a problem in corporate re-organization, and whether the corporation involved be large or small, the question is at once a complicated and difficult one, toward the solution of which the ordinary text book on the law of corporations gives very little help. In the lectures of Messrs. Cravath and Byrne the lawyer so troubled will discover much that will be helpful by way of suggestion and precedent, but, of even greater value, he will also find the path of large re-organization, with all its pitfalls, so clearly and thoroughly described that he will undoubtedly have suggested to him many subjects to be covered in drafting re-organization papers that he otherwise might have overlooked. If his problem is further complicated by questions of monopoly, he will also find the same assistance in Mr. Wickersham's illuminating lecture on the Sherman Anti-Trust Law and, to a lesser degree, in Mr. Montague's timely discussion of the discursive, puzzling and little understood Clayton Act.

To those who are not face to face with such a problem, but who are interested in the financing and re-organization of large enterprises, the whole book will undoubtedly prove interesting, for though it is by diverse hands it is uniformly most readable. Perhaps the best thing of all is Mr. Cravath's discussion of the Boyd case.¹

A. T. W.

¹ See p. 191. Northern Pacific Railroad Co. v. Boyd (1913), 228 U. S. 482, 57 L. Ed. 931, 33 Sup. Ct. Rep. 554.